

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act)	
of 1996)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200

**COMMENTS OF SBC COMMUNICATIONS INC.
ON NUMBERING AUDIT PROGRAM**

SBC Communications Inc. (SBC), on behalf of its telecommunications carrier affiliates,¹ files these comments in response to the Common Carrier Bureau's Public Notice of January 15, 2002.²

In the Public Notice, the Bureau has asked interested parties to comment on the Bureau's proposed Numbering Audit Program for random audits. The stated purpose of the audits is to "monitor compliance with the Commission's numbering rules and applicable industry guidelines, and to verify the accuracy and validity of the numbering data submitted to the Commission."³ To accomplish these goals the program categories ought to be narrowly focused, non-repetitive, and constrained by both the service provider's actual obligations and its ability to report. SBC supports a truly random audit system that subjects all service providers equally to the same scrutiny and that takes these considerations into account.

¹ These affiliates include the Ameritech operating companies — Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc. — Pacific Bell Telephone Company, Nevada Bell Telephone Company, Southwestern Bell Telephone Company, Southern New England Telephone Company, and SBC Telecom, Inc.

² *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Numbering Resource Optimization*, CC Dockets Nos. 96-98 and 99-200, *Public Notice*, DA 02-108 (rel. Jan. 15, 2002) (Public Notice).

³ Public Notice, p. 1.

A. Aging Numbers

Line 20 of the proposed program reads: “Numbers previously assigned to residential customers may be aged for no more than 90 days and business numbers no longer than 360 days.”⁴ The NRO I was corrected by an Erratum released July 11, 2000, changing the 360-day period to 365 days.⁵ The proposed program ought to reflect this correction.

B. Intermediate Numbers

Intermediate numbers are defined as “numbers that are made available for use by another carrier or non-carrier entity for the purpose of providing telecommunications service to an end user or customer.”⁶ In NRO I, the Commission instructed that intermediate numbers cannot be counted as “assigned” until they are actually assigned to an end-user customer:

[T]he carrier making such numbers available for assignment by a non-carrier entity should categorize them as *intermediate numbers* only until they are assigned to an end user or customer by the non-carrier entity. Once *intermediate numbers* are assigned to an end user or customer [by] the non-carrier entity, the carrier making such numbers available to the non-carrier entity should categorize them as *assigned numbers*. *Intermediate numbers* include numbers provided for use by resellers, numbers in dealer numbering pools, numbers preprogrammed into customer premises equipment offered for retail sale, and numbers assigned to messaging service providers.⁷

Line numbers 29 and 30 of the proposed program are ostensibly aimed at determining whether the audited service provider is properly counting as “intermediate” numbers that are made available for use to another carrier or non-carrier until those numbers are assigned to an end user or customer by the non-carrier entity. In prior communications, SBC has sought to have the Commission move intermediate numbers into the numerator of the number utilization

⁴ Public Notice, Appendix A, p. 4, line 20 (emphasis supplied).

⁵ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, *Erratum* (rel. July 11, 2000).

⁶ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 7574, FCC 00-104, & 21 (rel. March 31, 2000). (NRO I)

⁷ *Id.* The original text of the order omits the word “by,” which is inferred from the preceding sentence.

calculation because, among other things, SBC has no control over those numbers that are assigned to other carriers or non-carrier entities.⁸ They are for all intents and purposes no longer available to the primary service provider for assignment to its own customers.

Here, however, another critical element of this process comes into play. Once these numbers are made available to the other carrier or non-carrier entity, SBC will have no information about if or when the other carrier or non-carrier entity assigns the “intermediate” number to its end user or customer. Quite simply, SBC activates and bills the numbers assigned to an intermediate carrier and no longer has control over the subsequent activity associated with those numbers, nor should it.⁹ Consequently, it is not reasonable to expect that the primary service provider should have “processes and procedures for changing numbers from intermediate to assigned” under such circumstances. Unless the aim of the audit is to induce failure or create an inaccurate picture of the state of the primary service provider’s reporting activities, these lines ought to be changed. Such processes and procedures for changing numbers from intermediate to assigned should only come into play *if* the audited service provider would have knowledge available to it in the regular course of its business that the other carrier or non-carrier entity has actually assigned the number to an end user or customer. SBC does not have such knowledge.

C. Reserved Numbers¹⁰

In the recently released NRO III,¹¹ the Commission clarified the rules concerning the reporting of numbers used for intermittent or cyclical purposes. Briefly stated, the Commission

⁸ SBC Communications Inc.’s Petition for Reconsideration, CC Docket No. 99-200 pp. 3-5 (March 12, 2001). And, SBC Ex Parte, dated April 19, 2001.

⁹ Primary service providers, like SBC, should not be required to maintain information on another carrier’s use of its numbering resources. What’s more, such “intermediate carriers” should not be required to divulge competitive, proprietary information on its use of numbering resources to another competitor. Certainly, such utilization data are proprietary.

¹⁰ Reserved numbers are “numbers held by service providers at the request of specific end use customers for their future use.” NRO I at & 22.

¹¹ *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability,*

stated that, under certain circumstances and with some limitations, numbers used for intermittent or cyclical purposes may be categorized as *assigned* for NRUF reporting purposes.¹² In Lines 31 through 38 of the proposed program, the Bureau sets out auditing parameters for categorizing reserved numbers. SBC has no objections to these parameters; however, SBC is concerned how its reporting obligations will be affected by this recently issued clarification.

SBC's understanding is that the clarification has retroactive effect and that, once the NRO III becomes effective (March 14, 2002), SBC's future NRUF reports may reflect the clarification — to the degree possible — even though the effective date of NRO III arises in the middle of the next reporting cycle (January 2002 through June 2002). Nevertheless, SBC would appreciate clarification from the Bureau on this point in order to avoid any confusion should an audit cover this transition period. Additionally, as the clarification contained in paragraph 122 of NRO III is written in permissive language — i.e., “numbers contained in blocks assigned for use in Centrex or PBX systems *may* be categorized as assigned numbers by reporting carriers” — SBC assumes that numbers that may now be categorized as “assigned” may still be categorized as “reserved” instead. That is, until SBC has time to implement the Commission's clarification of the reserved-number rule, SBC may continue to treat these intermittent and cyclical numbers as reserved without penalty, even though the same numbers could also be counted as assigned instead. SBC would appreciate clarification of this point, as well.

Conclusion

SBC would appreciate the Bureau's taking these observations and concerns into consideration when finalizing the Numbering Audit Program.

CC Docket Nos. 99-200, 96-98, and 95-116, *Third Report and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, ___ FCC Rcd ___, FCC 01-362, & 21 (rel. Dec. 28, 2001). (NRO III)

¹² *Id.* at && 119-122.

Respectfully submitted,

SBC COMMUNICATIONS INC.

By: /s/ William A. Brown
William A. Brown
Gary L. Phillips
Paul K. Mancini

SBC COMMUNICATIONS INC.
1401 I Street, N.W., Suite 1100
Washington, DC 20005
(202) 326-8904 – Voice
(202) 408-8745 – Fax

Its Attorneys

February 15, 2002